Present

App. F. IX-4

1935.

File No. 296-35

Serial Nos. 1-6

Previous References

gmf 186 — 96.
" 315 of 04.
" 311-33 (1-6)

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Sick

Part B for August 1938.

SUBJECT.

Appeal petition of Rangasamy Gois regarding the Paricharike Saramard of Sri Sumanasara Samiddhi in the Sri Siri Sumangala Vihare Bentota at Nangia God

GOHO 243-5 1922-8-38

To the Appellant.
" Respondent
" M.C.

WD 0295—GPB—22,500—18-8 37

Allowed in appeal

M Gopallawa
7/9/38

Serial No.

Petition of 1875/36 filed by Mr. Mirle N. Lakshminarayanappa Advocate Bangalore city on behalf of his clients Rangappa Gowda and Rama Shetti appealing against the order of the Mysore Commr. in the matter of the petitioners' Claim to the Gavadaship of the Panchanike for two months in a year in Sri Ammanavara Sannidhi in the temple of Sri Venkataramana Swami at Nanjangud —

xO (1) The M.C's order is dated 13-12-35 & M.C. as in the annexed Certified Copy annexed to the P. & S. Further the production of an attested Copy of the order with the appeal petn is not admissible —

P. ✓ Time allowed for preferring the appeals only three months and the appeal is time barred — For a verification of the date given in the ordinary Copy of the M.C's order, a Dft. calling for M.C's Official File bearing on his order No. C 749/33-34 is sent for order —

xP the period allowed for appealing against the Mysore Comm.'s order is three months. [Vide Sec. 38, clause 5 of the Religious and Charitable Institutions

GA 9/6

NOTE—Contn. Sheet.

Aug 31 S 9/

1262

File No. of 193 . | General and Revenue Secretariat

Regulation). The Mayavaram Comm.'s order ~~dated~~ was passed on 8th January 1936, the appeal is therefore time-barred. P

(3) Apart from the question of limitation, the merits of the case may also be examined.

Secy
19/6/36

(1) The facts in the case are briefly set forth in the Tahsildar's letter dated 30/8/34, addressed to the parties on 29.9.34 (vide pages 5 & 6 of Enquiry 311-32-6 printed for reply). The first hearing of the case was on June 23 of the year's enquiry. In the ordinary course the case would have come to me for final disposal, it was ordered that it be heard by the Collector who this Anjaneya Reddi was till he is. From the 2nd para of the December proceedings of the M.C's order of 13.12.35 it is clear from the findings of the S.D.O that Anjaneya Reddi in whose favour is the deed of gift Ex.B.XIII (vide the genealogical Table in the said Reddi's notes). The S.D.O has also held that although executed the deed was not valid in the Taluka Patta of 26/6/1899 in her capacity as a karnavan of the Arunachalam Pandithe Pariwaram as she was entitled to a portion of the income (as found by the

X 2

X A

X C

R

Serial No.

for her maintenance & that there are no records to show that the husband has ever married. This view has been accepted both by the D.C & the M.C.

x N. From a perusal of the detailed establishment Statement issued vide Rubkari No 1111 dt 24.6.99, the name of Nanja appears against Sl no 21 under the title Others viz the name & names of the Karavedans (Woodcutters) for the Nanjundeshwara & Srikanteshwara Temples. Again the same name appears against Sl no 21 of the Statement issued with the above said Rubkari, showing the distribution of Cooked rice among the Temple Servants - the name of Nanja appears here under the heading "Others". It is felt that these entries cannot be relied upon for ascertaining the name appearing here only twice, in this case & that she appears as one of the karavedans of the Parivaara of Sri Srikanteshwara Swamy in the Nanjangud Temple.

y This report is in the Rubkari No 1576 dt 1.11.04 from which it is clear that the respondent Nanjamma has appointed a karavedan in place of her husband

NOTE—Contn. Sheet.

Mys File No. of 193 . | General and Revenue Secretariat

The following wording in the Rubkari ref. to above abstract also are requiring notice:—

"ಪ್ರಸ್ತುತ ವಿವಾದಾಸ್ಪದವಾಗಿರುವ ಪೂಜಾರಿ ಹುದ್ದೆಯು ಜಂಟಿ ಪೂಜಾರಿ ಹುದ್ದೆಯಾಗಿದ್ದು, ಈ ಹುದ್ದೆಯಲ್ಲಿ ಮೂರಕ್ಕಿಂತ ಹೆಚ್ಚು ಪೂಜಾರಿಗಳು ಇರಲಿಲ್ಲವೆಂದೂ ....."

indicating that the Paricharike post in question is of a joint character & that there have been more than two Parivandas & that two of these Veerannanda Dikshith & Shikanta Dikshith had passed away—

7) It from the above it is conceded that the deceased Nanjamma daughter-in-law of Yegna narayana Dikshith was one of the karavandars of the Paricharike post, whether the respondent Nanjamma is not a nearer claimant for the Place in preference to the Appellants is a matter on which the opinion of the Govt. has not been expressed—

7) [illegible]

8) The reason given by the appellants for the appeal against the Amrai Commissioner's order is the refusal of the Amrai Comr. to recognize Nanjamma as a karavandar for the Paricharike post of Annamanavara Samnidhi in Sri Srikanteshwaraswami temple at Nanjangud. Annexure B to the Govt. order (roobkari) No. 1111 dated

The claim [illegible]

N.V.K.

Serial No.

24th June 1899, which gives details of the establishment maintained in the temple includes Nanjamma in the list of barawardars of the post of Parichartike referred to above. Who this Nanjamma is made clear in govt. order (roobkari) No 1516 dated 1st Nov. 1904, which states that Nanjamma, the wife of Srikanta Dikshit is one of the barawardars. Attention is invited to a genealogical table flagged L at the

point. The appellant's contention that Nanjamma is one of the barawardars is therefore borne out by the govt. orders (roobkaris) of 24th June 1899 and 1st Nov. 1904. It is not therefore clear why the Inquisi Comr. states in his order no. 749 dated 13th Dec. 1935 that there is no ground for revising his order No. 18 dated 16th Sept. 1933 holding that Nanjamma has no claim to the Parichartike.

Para 3 of the note flagged L referred to in para 4 of the notes states that Nanjamma referred to above is not Nanjamma, the wife of Yegna Dikshit's son Vasudeva Dikshit and not Nanjamma, the wife of Srikanta [illegible]

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13 7 35

There are no records in support of this statement. The roobkari of 1st Nov. 1904 clearly states that Nanjamma, the wife of Srikanta Dikshit is one of the Barawardars. Her name was included in the Baraward after the death of her husband Srikanta Dikshit as stated in roobkari of 1st Nov. 1904. This fact will meet the doubt raised in regard to this point in the last three lines of para 3 of the note flagged L.

30.6.38 (2) There is thus no room for doubting which of the two Nanjammas mentioned in the genealogical table is one of the barawardars of the parichareke.

30.6.38 (3) It is not clear from the records on what grounds the S.D.O. has based his decision that deceased Nanjamma was not a barawardar but only entitled to miras. Full records may be called for together with baraward registers of the temple from 1885 to 1905.

1/7/38

(4) Mr. Basheb attn. P.W.D. Circle for records & the baraward Regr's decision to be filed in Original ...

2/7

1262 — 25

General and Revenue Secretariat — File No. 296 of 1935 — [App. F. III—2

Serial No.

15) Draft letter & D/F. letter to M.C. for his sig.

Gd 2/7

16) Issue dsg 2/7/36

2 No. 39977-7-36 from Mizrai Commissioner Calling for Complete records connected with the Case —

Letter no 1/36-37 dy 16. 9. 1936 from the Mizrai Commissioner forwarding the Karalwad Registers together with the records connected with the Case.

The Registers received from the M.C. require to be gone through and the records studied before submitting a note on the case. If agreed, This will be Re Subd.

Gd 7/7

It is three weeks since the reference was received. This is sufficient time for submitting the case. The case-worker may however be given a week's time to submit it.

7/10/36. 9.10.36.

If Both if. is wanted up early, and if. should be wanted up and submitted for orders . . . . . .

9/10/36

NOTE.—Contn. Sheet.

WD 03501—GPB—30,000—18-7-35

In re Manavala Ammal

File No. 296 of 1935. General and Secretariate

The facts of the case have been set forth in a note of 26/7/34; the matter was in appeal before Gane & Abdul Hameed the parties on 29.9.1934, orders were passed as in the minutes of 28/12/34 by the First member. The Case was accordingly remanded to the R.C. for his disposal in the light of the order no. 1111 of 24.6.99.

The records do not show that the parties do not appear to have been heard in any of the Courts below; to this extent what is said in para 1 of the P.C.D is a fact.

Mr Amildas has taken notice only to the appeal petitions (none before Gane) to produce copies if any with them to show that a caravan was at any time made in the name of the deceased Nanjamma. In his report of 13.7.35 he states that no such records were produced before him. He says further that as a petition from Nanjamma to the effect that the Karaikudi Sri Kanda Vilas Sabha was not entitled to receive the dues of her deity that the Paiveedu work for two months in a year may be got done by the Karaikudi Venkatesaiya, the Commissioner was

x Para 23 nos 311-336 Flag K.

x N.

xx

Serial No.

as per orders of
Canidon & the D.C. ordered on 4-2-1935 her
name is entered in the boundary & the
there is nothing to show that boundary
was ordered to be made in her name.

2 The S.do. in his report of 7.8.35 agrees
with the Amildar & says that it is very
significant that in boundary was
transferred to the name of Ranjamma (
the deceased) that fact should have
been entered in the temple registers &
regrs should have been traced. In his
opinion the name of Ranjamma was
entered in Col 3 of the list of 1899 as
her name appeared in the boundary
of 1897 as being a person entitled to
have a share of emoluments of the pooh

C. X This has been upheld by the D.C. also.
(vide flag C) in his report of 20/8/35
on receipt of which the D.C. ordered
hearing the parties has ordered that there

2 is no need to post the case for a hearing
& that in view in finding arrived at
by the S.do. & agreed to by the D.C.
there is no ground for a revision of the
orders already issued.

NOTE—Contn Sheet.

WD 0417 - GPL—30,000—8-9-36

Aug. File No. 296 of 193 S. General Se

Serial No.

Mr. Sales that no records received from the M-C here at Cawnpore, Cawnpore records were called for in this office letter No 39 dt 7.7.36. together with Canalward registers of the Cantt from 1885 to 1905. The Canalward registers for the period prior to 1900 are reported to have been destroyed; only those from 1900 onwards have been received. The records also go to show that these Canalward registers do not appear to have been perused by any of the officers below at the time the case was before them. The name of Naujamma appears along with other Canalwanders viz Naijunda Dikshit & Sitaramma Dikshit vide A in the Statement of the details of establishment in the Naujamma temple & the Statement showing the details of distribution of Cooked food to the several employees both also in the Canalward registers of the temple from 1900 onwards. In view of this whether the plea that her name was struck on account of disease due to her is acceptable is a point for orders.

A vide M.699 dt 7.8.36 (Flag R)

B issued with Rubberised No 1111 dt 7.8.36 (Flag R)

C (Flag P)

Serial No.

2nd) Some of the entries, notices in the Banaloud registers of the temple are enclosed for information :—

For January 1901 :—

Sl no 21 (i) ಸ್ಥಳವರ ನಂ ಜುಗುದೀಡೇರಿಂ ಶೆಟ್ಟಿಕೆರಿಂಯಿಂ. ಶೆಟ್ಟಿಂ ಕಡಿಮೆಯಿಂ

Papers Nos a) ನಂ ಜುಂಜ್ಞ ತಂಲಾ ಪು ೪. ೪. 1900ಕ್ಕೆ ಸರಿಯುದಿಂ 1901ಕ್ಕೆ ನಂಬಾಂ ಲಿಂಡಿಮೆಯಿಂ (ಇಂತು ಶೆಟ್ಟಿಯಿಂದ).

[This has not been noticed either by the Amildar or any of the officers above].

(ii) For July 1904

Sl no 21 Haglu). ಮಂ — ನಂ ಜುಂಡುದೀಡೇರಿಂ ಶೆಟ್ಟಿಂ ಕಡಿಮೆ } ಭೂಮಿ ನಂ ಜುಂಜ್ಞ —

x y In Rubkari no. 15-16 of 1. 11. 04 (Mug File 315-04) in Mace of Nanjunda Dikshit his Sm Ranjudikshit has been made the banaladar in Mace of Srikanta Dikshit, his wife Nanjamma has been made the Banaladar

(iii) For Nov 1903.

Sl 21 (Haglu) ಮಂ — ರಂಗಾಂಡೇರಿಂ ಶೆಟ್ಟಿಯಿಂ. ಲಿಡಿ ರಂಗಾಂಡೇರಿಂ ನಂ ಜುಂಜ್ಞ ಬಡಿಂ ನಂ ಜುಂಡೆ ಶೆಟ್ಟಿಂ. ನಂ ಜುಂಜ್ಞ ಬಡಿ ಮಂ ಪೀಠಲ್ಲಿ.

It is thus seen that the deceased Nanjamma Singpi. in law of Gagna Dikshit is the

NOTE—Contin Sheet.

WD 0417 -GPB—30,000—8-9-36

re: Parichattu
Banavan in Annamalai
Nanjammal

Mad. File No. of 193 General

Serial No.

as Banavandan in the temple records —
whatever might have been the case
prior to 1899 for which records
are not forthcoming, it is stated
that the deceased Nanjammal has
been shown as a Banavandan
in the later records since her death.
In the circumstances whether the contention
of the appellants is tenable is
a matter for consideration.
The appellants pray
that a hearing may be given.
both sides also,
in the Office Order No 144 of

* Para 24(1)

27) 9/8
10.7.37. 7/8/37

No. 3807 10.7.37 to the Muzrai
Commissioner called for additional
information.

9/8
13/VIII/37

Letter No Mc 1/36-37 of 20.9.1937
from the Muzrai Commissioner submitting
further information called for.

No 144 of 10/9/1908 is as per entry

Appeal re: Annamalai and Sannithi Pariahanke —

General and Revenue Secretariat — File No. — of 193 . — [App. F. III—2

Serial No.

It is borne out by records that the deceased Nanjamma is a Baradavandu. Her name finds a place as such in the establishment list issued with Rufakari no 1111 of 24-6-99. In the circumstances it is held that the contention of the Counsel for the appellants appears to be borne out by the records now forthcoming from the M.C.

2) It is for orders if the case may be posted for a hearing. This may be subject with ref^ce to the minutes in para 23 in case 3 M-33-6 wherein the case was [illegible]

3) the facts bearing on the case and the points for orders are noted in paras 10 to 12 of the notes

31) Draft 2 hrs 3/5

Issued No 495 of 30.9.37 for Amildar. Nanjangud Tk.

Reminded on 14.10.37. (issued No Camp 1/par 3)

20.9.37.

No 180 of 18.10.37 from the Amildar Nanjangud Taluk returning the records and submitting extracts of "Kaul" and "Todi" registers available in his office

32) Kind ref^ce is invited to the column flagged E2 wherein there is a ref^ce to a letter of Srikanta Murthy of 29-3-1897; from this it is seen that out of 6 members then of Pariahanke Baradavandu attended to by them, Nanjamma

NOTE—Contn. Sheet

WD 0417—CPB—30,000—9-36

for 2 months in 1 year by late deceased Narayanrao.

Mag File No. 296 of 1935. General and Secretariat

Serial No.

daughter-in-law of Yagna Dikshit has got a leave of 2 months, then he himself was doing this 2 months work from the beginning, & then last year (ie in 1896) he was deprived of this & the work being got done by others: it is evident from this that Sitaramrao Dikshit was not attending to this work from 1896. Same time in

GS 2110/31 for does — (Refer para 23 of Mag 311-33-6 pages) Hag E2 ✓ ✗ K.

Serial No.

34) The facts of the case are set out in the typed ... The case was remanded to the Mural Commissioner for examining the question whether the deceased Lakshmi was a barawardar to the office, or was merely in receipt of a maintenance allowance during her life-time. The ... Division Officer who was asked to enquire into this ... has submitted a report dated 7th August 1935, the ... of which is that the appellants have failed to show that the baraward was ever in the name of Lakshmi. The Mural Commissioner accepting this finding has ordered that there is no ground for revision. The appellants have now appealed against this order.

The only question for consideration is whether Lakshmi (the deceased), daughter-in-law of Yegna Bhatt was a barawardar of ... village or whether she formed a fresh stock of descent so that on her death her rights to the office ... or whether she was entitled only to a portion of the emoluments by way of maintenance during her life-time, which lapsed on her death.

Unfortunately the original record leading to the transfer of the land and office of Yegna Bhatt to the name of Srikanta Bhatt (husband of the ... Lakshmi, ... which Lakshmi's name was ... registers are not available. ... to ... would.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—18-9-37

Dara area prior to 1900 are not also available.

(5) There is a fundamental defect in the Manjangud S.D.O.'s finding. He has shifted the burden of proving that Nanjanna was the karnavaran on the appellants on the ground that the respondent denies that Nanjanna was the karnavaran. It is clear from the enquiry of 1909 that Kaliamma's sons were her bhim and karnavaran and in the absence of anything to the contrary the presumption was that he was the karnavaran. Further such correspondence as is available clearly indicates that Nanjanna was treated as karnavaran for a long period of years. These circumstances justified a presumption in favour of the appellants' contention, and it was for the respondent to adduce evidence and establish her plea instead of merely denying the appellants' contention. The burden of proof could not be cast upon the appellants when the respondent on whom it clearly rested to prove that Nanjanna was not the karnavaran.

In connection with the merits of the case, it is seen that in the kaifiat of 1910, Nanjanna is described as the karnavaran and the karnavaran's name is subsequently found also in the kaifiats as karnavaran till the present day. There is no reason to doubt the correctness of the entry in the kaifiat of 1910 and the appellants' contention is supported by all the subsequent correspondence as is available.

At the time of Kaliamma's death, Nanjanna and Nanjamma were treated as adults, and on the death of the first [illegible], no steps were taken by the Deputy Commissioner for constituting the karnavaran in the reference it is

Serial No.

is mentioned that of the Barawardars (ಪಂಚ ಪಾಂಡವರ ಪಾಲಿನ ಪ್ರಕಾರ) the first [illegible] read.

(10) The S.D.O's report proceeds on the assumption that Yegna Dikshit's barawardi passed on to Srikanta Dikshit in 1885 and that Yegna Dikshit's right to the office for two months ~~has~~ passed on to Srikanta Dikshit so that Lakshmi, daughter-in-law of Yegna Dikshit, ~~could~~ not ~~be~~ ~~on~~ barawardi ~~as a minor~~ who became entitled to Yegna Dikshit's right of short service. The original papers relating to the order of 1885 are not before Government. The above view has been based on the extract from the 'Inam' Register. A careful perusal of the extract however shows that this inference is not warranted. The extract runs as follows:-

"The lakdars for the office are Yegna Dikshit, Venkatesappa, Manjunatha Dols, Srikanta Dikshit and the brothers Yegna Dikshit ~~have~~ admitted ~~that~~ these lakdars for alternate year and getting their emoluments. The dispute related to Barawardi only. Yegna Dikshit while Yegna Dikshit was the barawardar and Manjunatha Dols was a minor, the barawardi was taken with the concurrence of Srikanta Dikshit's Wife [illegible] of Yegna Dikshit who was adopted [illegible] deceased Manjunatha Dikshit [illegible]

considered desirable to transfer the bara and to his name. The bara ward was in the name of Yegna Dikshit's brother late Srikha Dikshit. In these circumstances and in view of the fact that Yegna Dikshit has been barawardar on Yegna Dikshit's death and as between him and his sons, he has a lease of 8 years' service, it is desirable that the bara ward should be in the joint names of Yegna Dikshit and Manjunda Jois. But Yegna Dikshit pleads that he is old and prays that baraward may be made in the name of his nephew Srikanta Dikshit. There is no objection to the substitution of the name of Srikanta Dikshit for that of Yegna Dikshit. I am of opinion that the baraward may be in the name of Srikanta Dikshit and Manjunda Jois. Further all the hissedars are not agreeable to the bara ward being made out in the name of any one person. Some are for the Baraward being in one man's name and others for its being in another name. If it is in joint names all will be satisfied. Both these have agreed to give security for Rs. 200/- each. If as agreed to they offer the security, the barawards may be made in their joint names." File has the recommendation made on 7th January 1935 and this was approved in order No. 178. dated 9.1.1935. There is nothing in this extract to show that Yegna Dikshit relinquished his hisse in favour of Srikanta Dikshit. Being old, he did not like to have agreed in his name. Further admitted by the Hissedars to the office and consequently

Where were other names in Hissedars Where of Hissedars.

Serial No.

The assumption ~~thereof~~ that Yegna Dikshit transferred his two month's service to Srikanta Dikshit is thus shown to be incorrect.

(2) The circumstances under which Lakshmana's name came to be included as Baramadar are already stated, but the fact remains that for over 30 years the name of the Baramadar, as thus acquiesced in by the parties and the Government. The Inam of 1801 has accordingly shown her as Baramadar, and this is supported by other correspondence also.

(3) Whether Lakshmana was allowed to manage the Gumasta even during the life time of Srikanta Dikshit, and if really the latter had succeeded to Yegna Dikshit's Office in 1805 as is alleged, he would not have allowed the transfer of Gumastaship to take place. This is a very strong circumstance in favour of the view that Lakshmana was really the Baramadar, and that Srikanta Dikshit might also not have to Srikanta Dikshit.

(4) To conclude

1. Lakshmana had been in possession and enjoyment for over 30 years of the office of Baramadar,
2. The village of Gumasta was also in charge of Lakshmana,
3. He had been allowed to manage the Gumasta even during the life time of Srikanta Dikshit, and the latter had succeeded to Yegna Dikshit's office in 1805 as the elder of the two brothers,
4. The order of succession shown in the Yegna Dikshit's Inam Deed

(5) To the [illegible]

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-35

Re: Ba of Paicham
for 2 months in a year of Sri
Samsthan in Ranjangud Taluk

Mug File No. 236 of 1935.

prima facie
~~Prima facie~~ to be treated as Karavardar, and it was on the respondent to show that she was not so, and this burden was then discharged by the respondent. It has therefore to be held that Manjamma was a Karavardar, and that on her death, succession has to be traced further. The appellate judgment has to be set aside and a finding given that Manjamma was a Karavardar and that the parties should be governed on this basis.

The case may be posted for hearing in the Practice Head
Un
13/11/37

-Gen: Vacancy

Please put up on 1.12.37
Sd/- Illegible Un (17) Posted as directed in Board Up.

Un
3/12/37

GENERAL SECRETARY
13 NOV. 1937
2727

3105
3.12.37.

The note of the Asst Secy is for perusal.
Ranjamma daughter-in-law of Gopala Dikshit seems to have been shown as Karavardar in some places in the records. If this position is accepted the present respondent Ranjamma belonging to her half of the family and entitled in her own right to 4 months of Paichamike would become heir to the deceased Ranjamma's share of two months also.
(7) It is doubtful if the entry of the deceased

Appeal Re: Removal of Panchayat Service for two months in Ammanallur Samasthanam Nanjangud Taluk

General and Revenue Secretariat — Mug File No. 296 of 1935. — [App. F. III—2

Serial No.

Nanjamma as Baravanddar was duly authorised. She was daughter-in-law of Gopala Dikshit & her husband was dead when Gopala Dikshit gave up office. She ceased not in fact the office as daughter in law. But the fact remains that she seems to have been thought as Baravanddar for a long period.

50) It is also doubtful if a woman may be appointed as Baravanddar for an office which she cannot execute. The deceased Nanjamma had her duties done by some man. The respondent Nanjamma is doing this for her now share of the office and if allowed to inherit it the deceased Nanjamma would get some man to officiate for her. The temple is not likely to get as good service as it might if the officials were women in his own right. The officials will have to be changed and replaced when necessary by reference to the woman nominally holding office. But this position also seems to have been recognised.

51) The case may perhaps be heard - In order.

OFFICE OF THE PRIVY COUNCIL DEC 1937 3774.

WD 03594—GPB—30,000—13-7 35

NOTE—Contn Sheet.

First Member

Appeal allowed

In the Annamanavara Samithi - Nanj

File No. 296 of 193 S. General Se

The Case has been posted to Monday the 30th May 1938 - Time - 2 pm.

JS
27/5/38

The case was called on Monday the 30th May 1938. The appellants with their Counsel, Mr. Mirle N. Lakshminarayanappa were present & heard; The respondents' Counsel Mr. M. Krishna Moorthy was also heard. orders reserved.

JSR.
By 30. 5. 1938.

ORDER.

The Sub Division Officer's finding is defective in law as it is against the available evidence and as it is arrived at by shifting the burden of proof on the appellants on the ground that the respondent postively denies this position, although such evidence as there is clearly points to the deceased Nanjamma having been treated as barawardar for nearly forty years. The Rubkari of 1899 shows Nanjamma as a barawardar of the office jointly with Nanjunda Dikshit and Srikanta Dikshit and the barawards of the years subsequent to 1900 show Nanjamma as a barawardar with some other person as badli or substitute. In all subsequent correspondence in Government records she is mentioned and treated as a barawardar of two months' service, and she has also

Serial No.

also been allowed to change the gumasta even during the life-time of Srikanta Dikshit (the husband of the respondent) to whom according to the respondent, Yegna Dikshit's two months' service passed in or about the year 1885. In the absence of anything to show definitely that the deceased Nanjamma was not the barawardar, it thus lay heavily on the respondent to adduce evidence to show that Nanjamma was only entitled to maintenance. This duty has not been discharged by her. Even as regards the alleged transfer of Yegna Dikshit's hak in favour of Srikanta Dikshit in 1885, there are no records to substantiate this position. On the other hand, the extracts of the "From" and "TO" Registers relating to this matter show that no such transfer of hak was contemplated or was ordered, and that, while there were several hissadars to the office and Yegna Dikshit retained his hissa of two months' service, the baraward was made in the joint names of Srikanta Dikshit and Nanjunda Jois as Yegna Dikshit was old.

In these circumstances the deceased Nanjamma has to be treated as barawardar and the claim of the appellants to succeed to her rights in the office as the nearest male agnates must be conceded. The appeal is allowed.

OFFICE OF THE FIRST [illegible]
AUG 16 1938
1619.

15/8

1618

W D 0117—GPB—30,000—6 9 36

General and R
Secretaria

Serial No.

D/f. Sub

Jour Ltr
1576

+1 No 243-S-Cy 22-8-38 issuing orders in the Appeal. | 6

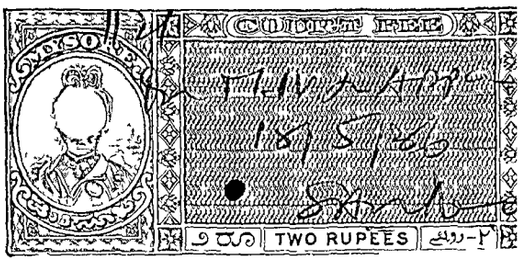
TYPING
10 AUG 1938
BEN. S

To.

The Appellant C/o Miss V. Lakshmi-
narasappa Esq BA. LLB. Advocate Bangalore.

The Respondent C/o M. Krishna
Murti Esq BA LLB. Advocate - Bangalore -

The Municipal Commissioner
Town Limits



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

Muzrai Appeal No. 27 1936-37

--

APPELLANTS.- 1. Rangaswami Jois, son of Ranga Dikshit. Nanjangud.

2. Rama Sastri, son of Venkatesiah, minor by guardian N.Subramaniah, Nanjangud.

Respondent Nanjegowda

The appellants named above begs to prefer this appeal against the order dated 8th January 1936 of the Learned -- Muzrai Commissioner in Case No.749/33-34 on his file on the following grounds:-

1. The Learned Muzrai Commissioner erred in accepting the findings of the Court below without giving an opportunity to the appellant to argue the case. ~~The~~ This Court was pleased to remand the case for disposal in accordance with law in the -- light of its observations. Disposal in accordance with law, it is submitted with respect, necessarily meant a disposal after hearing the parties concerned especially in a case which had gone to this court once. In these circumstances, it is prayed that a hearing might be given in the matter.

2. The observation in the preamble portion of the Learned Muzrai Commissioner's Order that Nanjamma's name

name was not entered as a barawardar is against facts.

Mulchand Nanappa

ADVOCATE FOR APPELLANTS.

Bangalore,
18th May 36.

Forwarded with compliments to the Muzrai Commissioner for favour of submitting the five records connected with the case together with the barawar register of the Temple of Sri Ranganatha Swami as maintained from 1885 to 1905.

By order,

Secretary to
the Government
for General
Cs.

In the Court of the Mussadi Commissioner in Mysore Bangalore.

No. 749/33-34

Appellants:-

(1) Rangaswami Jois son of Ranga Dikshit Nanjangud.

(2) Rama Sastri son of Venkateseah Junior by Guardian N. Subramanmaiya Nanjangud vs.

Respondent:-

Nanjamma wife of Srikanta Dikshit Nanjangud.

Subject

Re the claim of the appellants for the karnavaad of the Panchamike for two months in the year in the Sri Amma navaam sannidhi in the Nanjangud temple.

Facts of the case

In this office order in Appeal No 18 of 1932-33 dated 16-9-33, the claim of the appellants for the karnavaad in question was dismissed. Against this order of dismissal the appellants appealed to Government contending that the status of the deceased Nanjamma as karnavadar had been recognised in the Mussadi Seerastadar's Rubakari No. 1111 dated 24-6-1899 to the Deputy Commissioner Mysore District. The case was remanded to this Office for fresh disposal as the above order was not before this Office when the appeal was heard. The Deputy Commissioner was requested to hold a further enquiry and send up a report.

Notices were issued to both the

dar and they
called upon to adduce evidence in
support of their contention. Beyond
filing a statement reiterating the facts
previously stated they produced no other
evidence. The Subdivision Officer who
has gone deep into this matter has recorded
a finding that the name of Nanjamma
daughter-in-law of Yagna Deekshit men-
tioned in the Tasdik Patti of 24th June
1899 was not entered in her capacity
as a karanavandar for the Arumainayaka
Samiddhi Pavichanike but as one en-
titled to a portion of the miras (or
emolument) for her maintenance
and that there are no records to show
that the karanavand was ever made
in her name. This view is shared by
the Deputy Commissioner.

Order No. C 744/33-34 D/3-1-36.

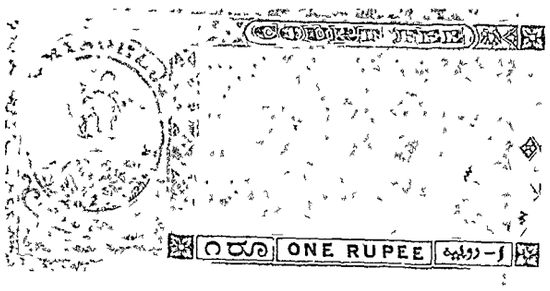
In view of the finding ar-
rived at by the Subdivision Officer
and agreed to by the Deputy Commis-
sioner there is no ground for a revi-
sion of the order already passed.

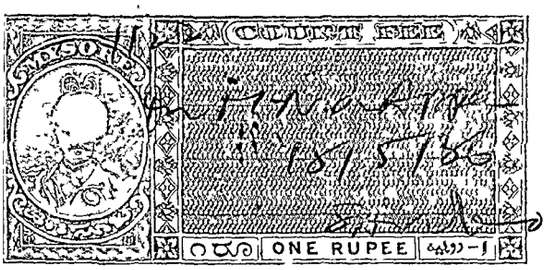
Sd/. K.V. Anantaraman
Mysore Commissioner.

Copy applied for by Mr. M. Lakshmina-
rasappa on 17.3.36
" ready on 27.4.36
" delivered on 8-5-36
No. of words 350
Copying fees 0-8-0.
Comparing " 0-1-4

Total 0-9-4.

Copied by S. Jagannadha Rao
Compared by Ch. Nanjunda Sastri





Before the Government & H. H. The Maharaja's Sole, Bangalore

~~In the Court of~~

Hy. **Appeal** ~~Petition~~ **No.** **OF 1935-1936.**

APPELLANT, ~~PETITIONER~~		RESPONDENT, OPPONENT
Rangaswamigoud.	**Vs.**	Narayanamma.

1. I, the Appellant abovenamed do, by these presents, retain **Mirle N. Lakshmi Naranappa, Esq.,** B.A., L.L.B., Advocate, to appear for and conduct the above case on my behalf to judgment.

2. I further empower him to execute any decree, or order that may be passed in my behalf, and to receive from Court such sums of money as I may be entitled to get and to grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by the said Advocate in so doing.

K. Subramanyaiah.

Dated 18/3/1936

25-3-36

ACCEPTED.

M. N. Lakshminarayappa

Advocate for Appellant.

Signed before me and personally

539 34 B G A Power Press

Section Mis

File No. 296-35

Serial No. 2

3 edicts

Diary No. of letter replied to .....

No. 39

To

The A.C.

General and Revenue Secretariat

( )

tne *193*

Sir,

I am directed to refer you letter No A, Dis 230/35-36 dt 1.2.36 forwarding a copy of your appeal petition No C 749/33-34 dt 15.12.35 on the appeal of Rangaswami Iyer & Rama Sastri regarding the Parivattam enjoyed for two months in a year in Sri Annamalaiyar Sannathi in the Temple of Sri Sattai Iswarar & Sri Nanjapuriswarar

Date of issue ... 7th July 1936

Signed by for S.D.-G. Subbarayan

List of enclosures .....

Copied by .....

Examined by .....

WD 01956—GPB—22,500—12-6-34

here on what grounds the S.D.O.
has based his decision that
~~Shanmu~~ Nanjamma has not
a benamidar but only
entitled to dasabh. I am -
to request you to be good
as to forward complete records
connected with the case together
with the Jamabandi Registers
of the Inam Village from 1885 to 1905,
~~An~~ appealing against
~~your~~ order of 13.12.35 on this question
~~passed here against you~~

~~Copy~~ is sent herewith for submission
~~your~~ report on the points referred to
above.

2/7/36

GENL. & REV. BRANCH
273
17 SEP. 1936
ZRAI BR.

No. 1...36.7

543

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 12th September 193 6.

Encl. 11 files (1 book)
of 3 this office files
+ one appeal Petn.

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

M. Venkatesa Iyengar, Esq., ...
Secretary to the Government of His Highness
the Maharaja of Mysore,
Department.

REVENUE
16 SEP. 1936
SECTION

SIR,

[illegible]

In continuation of ... office letter No. ... / 36-37 dated 9th September 1936, I have the honour to forward herewith the petition ... Jagadguru ... Mutt ... the Mysore District Deputy ... letter No. 7[illegible] 7th September 1936.

The Bangalore Registered ... the petition ... stated to be ..., as there ...

I have the honour to be,

Sir,

Your most obedient servant,

K V Anantaraman

SUBJECT .....

.....

.....

1 Copy

Section Mus

File No.

Serial No. 61

Diary No. of letter replied to 133

No. 36.

To

The M.C.

Sir

I to refer you on the letter No. 1/36-37 of 16.9.36 submitting the boundary reports of Sri Srikanteswara Swami Temple at Nanjangud for repairs in connection with the appeal of Rangaswamiah, Sri Rama Sastri & Others about the Panchanga hall for two months in a year in Sri Hemmanavara Saturday, I am [illegible] to request [illegible] to be [illegible]

Date of issue 10-7-37

Signed by [illegible]

General and Revenue Secretariat

( )

the 193 .

enclosures .....

Copied by .....

10 JUL 1937

Examined by .....

WD 71—GBPM—40,000—20-7-31

ordered in the Assn Sce
Issue "

sends Condolence Letter
No 144 of 10.9.1900 addressed
to The Deputy Peshkar
of Srivaikundam Taluk
Court at Nanjanad
Re: The bandobast of the deceased
Nanjanad &c a sailing vessel The TK Regr
Condolence Letter obtained from the above Taluk Magistrate and sent
to [illegible]

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

Bangalore, ...20th September...*193* 7.

GENL & REV. SECRETARIAT
337
24. SEP. 1937
B. CH

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

To. M. Venkatesa Iyengar, Esq., M.A.,

Secretary to Government of His Highness
the Maharaja of Mysore,

GENERAL SECRETARY.
23 SEP. 1937

General .....*Department,*

Appeal of Rangaswamy Jois re. Paricharike Baraward of Sri Ammanavaru Sannidhi, Nanjangud Temple.

With reference to your letter No.36/Muz. dated 10th July 1937 calling for certain further information re. the above, I have the honor to forward herewith the file of records received with the Mysore District Deputy Commissioner's letter No.H.70/36-37 dated 26-8-1937, containing the extracts from the Taluk Register pertaining Yadi No.114 (and not 144, as stated in your letter)

called for therein.

I have the honor to be,

Sir,

Your most obedient servant.

Kuzrai Commissioner.

Immediate

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 30th Sept 37

D. O No. G. 495 Mujrai

Enclosures three files

Dear Mr. Sitharamiah,

In returning herewith the records relating to the dispute in regard to the Ammmanavara Sannidhi Paricharike Office in the temple of Sri Srikantesvaraswami at Nanjangud, I am desired to state that page No. 71 of the records (Pherist No. 1) shows that the name of Nanjamma was brought on the baraward with Venkatesaiya as Gumasta about the year 1897, while in the years previous Srikanta Dikshit was the sole barawardar. I request you to kindly trace the papers relating to the change of baraward and send them. If the original records cannot for any reason be traced the "from" and "to" registers may be looked into and all relevant extracts relating to the transfer of baraward may be kindly sent.

A reply within a week is requested. The records may be returned with your reply,

Yours sincerely,

Assistant Secretary to G

No. 180/37.
Encl 1 file

Submitted.

The extracts of "From" and "To" Registers are herewith enclosed with the three files.

S. Venkatanarayana
Amildar
18/10/37

sent by Registered post - B

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 30-9-37.

D. O. No. O. 495 Mog Enc 3 files

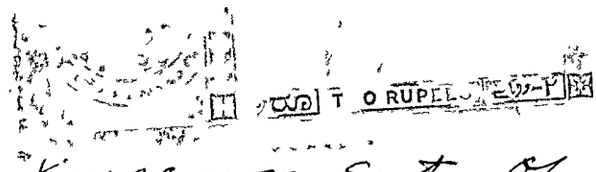
Dear Mr. Sitharamiah,

In returning herewith the records relating to the dispute in regard to the Ammmanavara Sannidhi Paricharike Office in the temple of Sri Srikantesvareswami at Nanjangud, I am desired to state that page No. 17 of the records (Pherist No. 7) shows that the name of Nanjamma was brought on the baraward with Venkatesaiya as Gumasta about the year 1897, while in the year previous Srikanta Dikshit was the sole barawardar. I request you to kindly trace the papers relating to the change of baraward and send them. If the original records cannot for any reason be traced the "from" and "to" registers may be looked into and all relevant extracts relating to the transfer of baraward may be kindly sent.

A reply within a week is requested. The records may be returned with your reply,

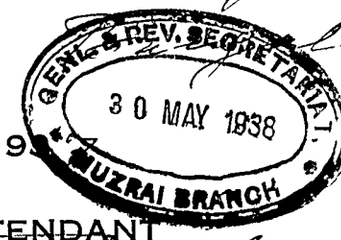
Yours sincerely,

M



Before the Government of
His Highness the Maharaja of Mysore

~~IN THE COURT OF THE~~



Muzrai A. NO. 27 OF 1936-19

~~PLAINTIFF~~		~~DEFENDANT~~
Applts- Rangaswami Jois & another	VS.	Respt- Nanjamma Widow of Srikanta Dikshit Nanjangud

1. I .... the . Respt- ..... above named, do by these presents retain **Mr.** Sri Krishna Murthy & Brijbasi V. Ananthanarayana to appear Advocates for and conduct the above case on .My. behalf to judgment.

2. .. ...I.... further empower him to do all the necessary acts in the above case and to execute any decree, order that may be passed in ...My. behalf and to receive, from the court all documents, refunds and all sums of money that I may be entitled to get and grant receipts therefor.

3. ..... I.....also undertake to confirm and ratify all the legal acts done by the said...Advocate... or any other on his behalf in so doing.

4. He need not do any further work if ..... I ..do not pay the fee due to him.

L T mark of
Nanjamma

Accepted and Signed before me and personally known to me

Srinivasa Murthy
Srinivasa Murthy
Advocate for Respt-
Dated. 30.5.1938.
Bangalore City

N Narasimha Murthy
Advocate
Nanjangud
Dated . 27/5/1938.

S. K. P Press, Mysore.

Before the Government of His Highness the Maharaja of Mysore.

Mez Appeal No. 27 of 1936-37

Appellant.S

Vs.

Respondent

1 Rangaswamie Jois
S/o Ranga Dikshit
Nanjangud

Nanjamma,
Widow of Srikanta
Dikshit.

2. Rama Sastri S/o Venkatesaiya
minor by Guardian - N. Subrahmanaiya
Nanjangud. ~~Subject~~

Facts of the Case.

In this office under
Mez appl No 13 of 1933-34 ~~in which~~
~~the appellant urged~~ their claim for the Panchame
Service for 2 months in a year in Sri Ammanavara
Sannidhi in the temple of Sri Sokanathesvara Swamie at
Nanjangud was remanded on 9th January 1935 to
the M.C. for fresh disposal after ascertaining
whether the deceased Nanjamma from whom
~~the~~ applicants claim, was a Bandavandu of the office, the
S.D.O. Nanjangud to whom the matter was referred
recorded a finding that the name of
Nanjamma, daughter-in-law of Ranga Dikshit,
mentioned in the Jasdoh Patte dated 24-6-1899
was entered in her capacity as a Bandavandu

WD 6583—GPB—750—21-7-37

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

offer

~~Rawalpindi Service~~ but as one entitled to a portion of the Mirasi (emoluments) for his maintenance and that there are no records to show that the landward was ever Mirasi in his name. In view of this finding which was agreed to by the D.C. the M.C ordered that there was no ground for a revision of the rate already framed. The appellants have appealed against this order.

The Case came up for hearing on the 30th May 1938 when the counsels for the parties were present heard.

243-5/May
296-35-6922-8-38.
(New enh

Copy to Ranganwami Jois &
Rama Sastri C/o Mr. N. Lakshminarayanappa
Esq BA. & LB. Advocate. for information

B.O

Yr Gen Sec.

Copy to. Nanjamma C/o M. Krishna Murthy Esq
BA LL B - Advocate for information.

B.O

Yr Gen Sec

Copy to M.C. with Compliments.
for information & necessary
action - The entire records
received from him on the
subject with his letter Nos HC-1/36-37
dy 16.9.36 & 20th Sept 1937
are herewith returned —

B.O

Yr Gen Sec

BEFORE THE
GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Muzrai Appeal No.27 of 1936-37.

APPELLANTS -VS- Respo ~~PLAINTIFF~~

1. Rangaswami Jois, son of Ranga Dikshit, Nanjengud.
2. Rama Sastri, son of Venkatesaiya, minor by guardian N.Subrahmanaiya, Nanjangud.

Nanjamma, widow of Srikanta Dikshit.

Facts of the Case.

In this office Order Mus.Appl.No.13 of 1933-34, the ~~claim~~ Case relating to the Paricharike service for 2 months in a year in Sri Ammanavara Sannidhi in the temple of Sri Srikanteswaraswami at Nanjangud was remanded to us on 9th January 1935 to the Muzrai Commissioner for fresh disposal after ascertaining whether the deceased Nanjamma from whom the applicant's claim, was a barawardar of the office. The Sub Division Officer, Nanjangud, to whom the matter was referred recorded a finding that the name of Nanjamma, daughter-in-law of Yegna Dikshit, mentioned in the Tasdik Patti of 24th June 1899 was not entered in her capacity as a barawardar for the ~~appointment~~ office but as one entitled to a portion of the Virase (emoluments) for her maintenance and that there were no records to show that the baraward was ever made in her name. In view of this finding which was agreed to by the Deputy Commissioner, the Muzrai Commissioner ordered that there was no grounds for a revision of the orders already passed The appellants have appealed to Government against this order.

The case came up for hearing on the 30th May 1938, when the counsels for the parties were present and heard.

243-57/My296-35-6 & 22-8-38

O R D E R

The Sub Division Officer's finding is defective in law as it is against the available evidence and as it is arrived at by shifting the burden of proof on the appellants on the ground that the respondent positively denies this position, although such evidence as there is clearly points to the deceased Nanjamma having been treated as barawardar for nearly forty years. The Rubkari of 1899 shows Nanjamma as a barawardar of ~~this~~ the office jointly with Nanjunda Dikshit and Srikanta Dikshit,

and the barawards of the years subsequent to 1900 show Nanjamma as a barawardar with some other person as 'badli' or substitute. In all subsequent correspondence in Government records she is mentioned and treated as a barawardar of two months' service, and she has also been allowed to change the gumasta even during the life-time of Srikanta's Dikshit (the husband of the respondent) to whom according to the respondent, Yegna Dikshit's two months' service passed in or about the year 1885. In the absence of anything to show definitely that the deceased Nanjamma was not the barawardar, it thus lay heavily on the respondent to adduce evidence to show that Nanjamma was only entitled to maintenance. This duty has not been discharged by her. Even as regards the alleged transfer of Yegna Dikshit's hak in favour of Srikanta Dikshit in 1885, there are no records to substantiate this position. On the other hand, the extracts of the "From" and "To" Registers relating to this matter show that no such transfer of hak was contemplated or was ordered, and that, while there were several hissadars to the office and Yegna Dikshit retained his hissa of two months' service, the barawards was made in the joint names of Srikanta Dikshit and Rajunda Jois as Yegna Dikshit Dikshit was old.

In these circumstances the deceased Nanjamma has to be treated as barawardar, and the claim of the appellants to succeed to her rights in the office as the nearest male agnates must be conceded. The appeal is allowed.

- - - - -

for General Secretary to Government.